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10/22/2008 11:50:00 AM \$34.00  
Book - 9653 Pg - 1055-1059  
Gary W. Ott  
Recorder, Salt Lake County, UT  
COTTONWOOD TITLE  
BY: eCASH, DEPUTY - EF 5 P.

WHEN RECORDED RETURN TO:  
IVORY HOMES DEVELOPMENT, LLC.  
Christopher P. Gamvroulas  
978 E. Woodoak Lane  
Salt Lake City, Utah 84117  
(801) 268-0700

**THIRD SUPPLEMENT  
TO THE  
NEIGHBORHOOD DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS, AND RESERVATION OF EASEMENTS  
FOR  
HIGHBURY PLACE PHASE 4 PLANNED UNIT DEVELOPMENT**

This third Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 4 Planned Unit Development is made and executed by Ivory Development, LLC, a Utah limited liability company, of 978 E. Woodoak Lane, Salt Lake City, Utah 84117 (the "Declarant").

**RECITALS**

WHEREAS, the Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Commons at Lake Park Planned Unit Development, was recorded in the office of the County Recorder of Salt Lake County, Utah on October 6, 2006 as Entry No. 9868362 in Book 9362 at Pages 804-846 of the Official Records (the "Master Declaration").

WHEREAS, the related Final Plat for Highbury Commons of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

WHEREAS, the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Phase 1 of the Highbury Place Planned Unit Development was recorded in the office of the County Recorder of Salt Lake, Utah on December 5, 2007 as Entry No. 10292560 in Book 9544 at Pages 7794-7831 (the "Neighborhood Declaration")

WHEREAS, the related Plat Map for the Highbury Place Phase 1 Planned Unit Development has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

WHEREAS, the first Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservations of Easements for Phase 2 of the Highbury Place Planned Unit Development was recorded in the office of the County Recorder of Salt Lake, Utah on 6/13/2008 as Entry No. 10453451 in Book 9617 at Pages 1999-2005 (the "First Supplemental Declaration")

WHEREAS, the related Plat Map for the Highbury Place Phase 2 Planned Unit Development has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

WHEREAS, the second supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions, and Reservations of Easements for Phase 3 of the Highbury Place Planned Unit Development was recorded in the office of the County Recorder of Salt Lake, Utah on 7/21/2008 as Entry No. 10481899 in Book 9628 at Pages 1395-1399 (the "Second Supplemental Declaration")

WHEREAS, the related Plat Map for the Highbury Place Phase 3 Planned Unit Development has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

WHEREAS, in the Master Declaration and Neighborhood Declaration Declarant reserved the unilateral right to expand the Planned Unit Development to annex additional land and expand the application of the Neighborhood Declaration.

WHEREAS, Declarant is the fee simple owner of record of that certain real property location in West Valley City, Salt Lake County, Utah and is described with particularity on Exhibit A-4 attached hereto and incorporate herein by this reference (the "Phase 4 Property")

WHEREAS, Declarant desires to expand the Planned Unit Development by creating on the Phase 4 property line seventeen (17) additional Lots, number 401-417 inclusive.

WHEREAS, Declarant now intends that the Phase 4 Property shall become subject to the Declaration.

NOW, THEREFORE, for the reasons recited above and for the benefit of the Planned Unit Development and the Lot Owners thereof, Declarant hereby executes this third Supplement to the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Highbury Place Phase 4 Planned Unit Development.

1. **Supplement to Definitions.** Article I of the Declaration entitled "Definitions," is hereby modified to include the following supplemental definitions.

- a. **Phase 4 Map** shall mean and refer to the Plat Map of Phase 4 of the Project, prepared and certified to by Byron M. Goff a duly registered Utah Land Surveyor holding Certificate No. 4938723, and filed for record in the Office of the County Recorder of Salt Lake County, Utah previous to the filing of this third Supplemental Declaration.
- b. **Third Supplemental Declaration** shall mean and refer to this Third Supplement to the Neighborhood Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Highbury Place Phase 4 Planned Unit Development.

Except as otherwise herein provided, the definition of term contained in the Declaration are incorporated herein by this reference.

2. **Legal Description.** The real property described in Exhibit A-4 is hereby submitted to the provisions of the Declaration and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration as it may be supplemented or amended from time to time.
3. **Annexation.** Declarant hereby declares that the Phase 4 Property shall be annexed and upon recordation of this Third Supplemental Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-4 subject to this Declaration and to the functions, powers, rights, duties and jurisdiction of the Association.
4. **Description of Property and Total Number of Units Revised.** Phase 1 contained twenty-nine (29) lots Phase 2 contained twenty-five (25) lots and Phase 3 contained nine (9) lots and other improvements of a less significant nature. Phase 4 will contain seventeen (17) new lots numbered 401-417 inclusive, and other improvements of a less significant nature. Upon the recordation of the Phase 4 Map and this Third Supplemental Declaration, the total number of lots in the Project will be eighty (80). The additional lots (and homes to be constructed therein are or will be substantially similar in construction, design, and quality to the Lots and Homes in the prior phases.
5. **Incorporation of the Original Declaration as Supplemented and Amended.** It is expressly agreed by the parties that this document is supplemental to the Master Declaration and Neighborhood Declaration which are by reference made a part hereof, and all of the terms, conditions and provisions thereof, unless specifically modified herein, are to apply to the Phase 4 Property and are made a part of this document as though there were expressly rewritten, incorporated and included herein.
6. **Conflict.** In the event of any conflict, in consistency or incongruity between the provisions of the Master Declaration and Neighborhood Declaration, as supplemented or amended, and the Third Supplemental Declaration, the latter shall in all respects govern and control.
7. **Effective Date.** The effective date of this Third Supplemental Declaration and the Phase 4 Map shall be the date on which said instruments are filed for record in the Office of the Country Recorded of Salt Lake County, Utah.



**EXHIBIT "A-4"  
LEGAL DESCRIPTION**

**HIGHBURY PLACE PHASE 4 PLANNED UNIT DEVELOPMENT PROPERTY**

The land referred to in the foregoing document as the Property is located in Salt Lake County, Utah and is described more particularly as follows:

**BEGINNING AT A POINT WHICH IS N0°06'35"W, 915.42 FEET ALONG THE SECTION LINE AND EAST, 2135.59 FEET FROM THE WEST QUARTER CORNER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE N0°04'43"W, 18.81 FEET; THENCE N22°36'53"E, 159.42 FEET ALONG THE BOUNDARY OF HIGHBURY PLACE PHASE 2 P.U.D. AND THE EXTENSION THEREOF TO THE NORTHEAST CORNER OF LOT 214 OF SAID HIGHBURY PLACE PHASE 2 P.U.D.; THENCE ALONG THE BOUNDARY OF SAID HIGHBURY PLACE PHASE 2 P.U.D. THE FOLLOWING EIGHT COURSES 1) N21°58'05"W, 78.25 FEET; 2) N34°23'38"E, 118.04 FEET; 3) S66°21'10"E, 116.14 FEET; 4) S0°00'20"E, 53.07 FEET; 5) N3°28'23"W, 63.23 FEET; 6) N83°53'41"E, 104.03 FEET; 7) N88°30'48"E, 54.41 FEET; 8) N67°37'20"E, 117.46 FEET; THENCE S42°01'58"E, 35.65 FEET TO THE NORTHWEST CORNER OF GREENBRIAR MOBILE HOME SUBDIVISION P.U.D.; THENCE S0°04'43"E, 412.09 FEET ALONG THE WEST LINE OF SAID GREENBRIAR MOBILE HOME SUBDIVISION; THENCE S89°53'12"W, 520.00 FEET TO THE POINT OF BEGINNING.**

**CONTAINS: 3.9874 ACRES - 17 LOTS**

- 14-25-180-009-0000
- 14-25-180-010-0000
- 14-25-180-011-0000
- 14-25-180-012-0000
- 14-25-180-013-0000
- 14-25-180-008-0000
- 14-25-180-007-0000
- 14-25-180-006-0000
- 14-25-180-005-0000
- 14-25-180-004-0000
- 14-25-180-003-0000
- 14-25-181-007-0000
- 14-25-181-008-0000
- 14-25-181-009-0000
- 14-25-181-010-0000
- 14-25-181-011-0000
- 14-25-181-006-0000